



## Leicestershire & Rutland Local Dental Committee

### Freedom to Speak Up in Dental Practices - Webinar 11 November 2020

**Speaking up can protect patient safety  
and improve the lives of practice staff**

#### The background

The NHS policy document 'Freedom to Speak Up in Primary Care' required all primary care organisations to introduce a regime of speaking up, and to adopt policies to establish the principles within their organisations. Similar requirements were already a requirement in secondary care.

'Speaking Up' (often colloquially referred to as 'Whistleblowing') is intended to enable all members of NHS bodies (eg local dental practices) to feel able to comment on matters in their organisations without fear of reprisal or recrimination.

At its most serious, such matters could include dangerous activity, matters that might compromise patient or staff safety, or even suspected criminal activity, but of course topics addressed would in the vast majority of cases be far more usual, and cover things such as practice organisation, working schedules, staff relations, surgery and clinic arrangements, treatment routines, and almost anything else.

A simple definition would be 'involving everyone in continuous improvement'

A key principle of 'speaking up' is that it applies to every member of a practice team, whatever their role, and is particularly aimed at staff in a position or situation where they might otherwise feel reluctant to make a comment, or offer a suggestion, for fear of being seen as 'difficult', 'frivolous' or 'a troublemaker'.

'Speaking up' gives practical and day-to-day application to the ethos of a UK Act of Parliament <sup>1</sup> which gave legal backing to the right of employees '*not to be subjected to any detriment .... on the grounds that they have made a disclosure of information, in the public interest, in the belief that a criminal offence has happened, or is likely to happen, .... or the health or safety of any individual is at risk*'. The Act was directed at providing a freedom to deal with the most serious matters. 'Speaking up in Primary Care' is of course about a far greater range of matters than those addressed by the Act, and invariably far less serious.

#### Issues for primary care dental practices

In primary care, where typically the practices are small, independent units, it can be difficult to provide clear routes for staff to identify an individual who they would feel comfortable speaking to, particularly if the subject matter could be seen as sensitive, or critical.

Some smaller practices may feel isolated from the wider NHS networks, and lacking a structure that can enable them to be relaxed about encouraging open comment. Equally, in smaller organisations, it can be difficult for staff to identify an 'independent' person who they'd feel comfortable talking to. Adopting a *Freedom to Speak Up* policy can make it easier to establish a 'speaking up' culture as an intrinsic part of the practice's organisation, and an open, trusted, mechanism for securing continuous organisational improvement.

### **The leadership role**

To be effective, speaking needs to be heard. Speaking up needs leaders to listen. A few principles can help cement this as normal practice:

- adopt a practice 'Speaking up' policy <sup>2</sup>, and a clear practice procedure
- make it known throughout the practice that staff are encouraged to speak up, to raise concerns
- make staff feel safe in speaking up
- provide support to staff who might feel 'nervous' (their comment can still be valuable)
- identify a practice 'speaking up champion' to lead the culture & keep it in central focus
- make 'speaking up' a regular agenda topic at team meetings
- understand & address the practical concerns of a 'speaking-up' culture

### **Practical concerns**

Practices may have concerns about a 'speaking up' culture. Acknowledging that something might be wrong - even worse, encouraging staff to draw attention to something wrong in the practice - could feel threatening, potentially damaging to the practice's reputation, risking 'exposure' to external bodies, etc. Can they trust the employee's motivation? Might this be someone simply trying to cause trouble? Might they be 'disgruntled', or their speaking-out vexatiously motivated?

Conversely, staff too may have concerns. While their intended comment or suggestion might be entirely genuine, they could lack the confidence to speak to a senior person and risk being branded a 'troublemaker'. They could fear reprisals, being 'singled-out' and victimised. They could be uneasy about the reality of 'protection', and fear becoming alienated from their colleagues in the practice.

The fullest answer to all the concerns lies in the clarity of the practice culture, its embodiment in the practice's policies and procedures, and the openness with which the practice's leaders embrace, publicise and encourage the 'speaking up' culture. The Local Dental Committee has produced a simple 'FSU Toolkit' available to practices (see attachment).

## **Freedom to Speak Up Guardians**

There are many ways people can speak up. A line manager, a trainer or a colleague will often be an appropriate point of contact. The practice 'speaking up lead', or a clinician in the practice, or an agenda item at the practice meeting can all offer suitable opportunities. The identification of one or more practice individuals as *Freedom to Speak Up Guardians*, authorised to receive comments and ensure they are appropriately escalated, can provide the required means of getting a matter addressed while, importantly, still protecting the source's confidentiality and anonymity if really necessary.

There will however be times or situations where someone is unable to feel relaxed enough to speak up within the practice. Specifically to cover such situations, the Leicestershire Local Dental Committee has identified two individuals, one a retired Dentist <sup>3</sup> and the other a retired NHS Chief Executive <sup>4</sup>, each of whom, on behalf of the LDC, can provide a confidential and supportive listening point – totally independent of any practice structures – for individuals to speak up where discussion within the practice is thought impossible.

Freedom to Speak Up Guardians – whether within the practice or as a confidential external resource, can support practices to improve speaking up and to ensure that speaking can lead to action and improvement. The route that a cause for concern might take through the Freedom to Speak Up procedure is illustrated in the LDC's FSU 'flowchart', attached.

### **Benefits for practices**

- an involved team
- a 'listening organisation'
- a staff team who know their views matter
- staff who know they're valued
- a 'model' employer
- continuous improvement

### **Action**

- adopt the LDC's 'Freedom to Speak Up Toolkit' (*attached*)
- adopt a practice 'Freedom to Speak Up policy' (*LDC model available*)
- establish a practice procedure
- make staff aware
- keep staff aware
- review, evaluate, feedback

## ***November 2020***

<sup>1</sup> Public Interest Disclosure Act (1998)

<sup>2</sup> 'Model' policy available from Local Dental Committee website [www.leicestershire ldc-uk.org](http://www.leicestershire ldc-uk.org)

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